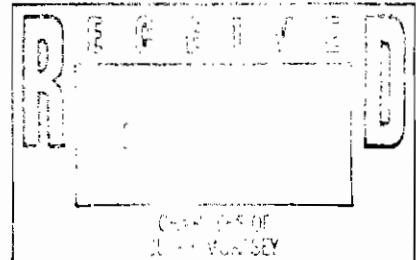
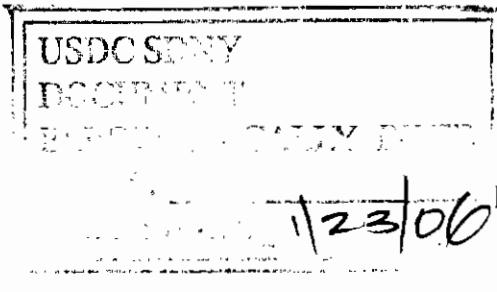


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The Honorable Michael B. Mukasey  
United States District Court Judge  
United States Courthouse  
500 Pearl Street, Room 2240  
New York, New York 10007-1312

Re: Jonathan Jung v. Skadden, Arps, Slate, Meagher & Flom, LLP  
Civil Case No. 05 CV 4286(MBM)

Dear Judge Mukasey:

This office represents the Plaintiff in the above matter. Defendants have moved to compel arbitration and stay this action. I have served and filed my Opposition brief, and Defendants' Reply brief is due December 19, 2005. Pursuant to your Individual Practices Rules 2(f), I respectfully request permission to file a Surr-Reply in response to Defendants' Reply brief. I respectfully request until December 27, 2005 to submit Plaintiff's Surr-Reply. Enclosed is a copy of Defendants' letter addressed to the undersigned regarding this request.

Plaintiff opposed Defendants' motion to compel arbitration and stay this action on the grounds that Defendants waived their right to arbitrate by litigating in federal court under FRCP Rule 12(b)(6). The issue of waiver was raised for the first time in Plaintiff's Opposition brief. Plaintiff anticipates that a number of new arguments will be made on the issue of waiver in Defendants' Reply brief. To fully brief the issue of waiver Plaintiff requests an opportunity to submit a Surr-Reply. In the event the Court determines that my request is premature (as of the writing of this letter I have not yet reviewed Defendants' Reply brief), I respectfully request permission to resubmit this request following my review of Defendants' Reply brief.

The Hon. Michael B. Mukasey

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December 14, 2005

Please contact the undersigned if you require anything further.

Respectfully yours,  


Brendan Chao

BC/jkl  
Enc.

cc: VIA FACSIMILE (212) 735-2000 ✓  
David E. Schwartz, Esq.  
Attorney for Defendants

*Application denied.  
Sincerely,  
John B. Chao  
12/19/05*